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09/783,726	02/14/2001	Mihai Lazaridis	555255012190	7167
7590	07/27/2005		EXAMINER	
David B. Cochran, Esq. Jones, Day, Reavis & Pogue 901 Lakeside Avenue, North Point Cleveland, OH 44114			REILLY, SEAN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)
09/783,726	LAZARIDIS ET AL.
Examiner	Art Unit
Sean Reilly	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 25 April 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 86-101 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 86-101 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/14/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

This case been assigned to a new Examiner.

This Office action is in response to Applicant's amendment and request for reconsideration filed on 4/25/05. New claims 86-101 are presented for further examination. All previous claims have been canceled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 86, 89-90, 94, 97, 100, and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995) and Gadol et al. (Nomadic Tenets – A User's Perspective, Sun Microsystems Laboratories, Inc., June 1994, hereinafter “Gadol”) and Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter “Eggleston”).

2. With regard to claim 86, AirMobile disclosed a method of replicating electronic messages between a messaging server and a plurality of wireless mobile communication devices using a redirection server program comprising the steps of:

Receiving the electronic messages at a messaging server (“communication server”) and storing the electronic messages in a message store having a plurality of mailboxes, wherein each

of the plurality of wireless mobile devices is associated with one of the plurality of mailboxes (p. 9, “Communication Server,” p. 10, “User Profile Database,” pp. 15-16, wherein mail is received and stored at the communication server, and the mail account is associated with a mobile device according the device ID);

Without receiving a request to download continuously pushing the received electronic messages from the mailboxes associated with each of the wireless mobile devices to the wireless mobile devices to the wireless communication devices (p. 30, ¶ 5; p. 31, ¶ 1; “server push,” “enables messages to be immediately downloaded when they are received,” and “eliminates the batch mode of operation used by cc:Mail Background”), wherein the continuously pushing step includes the steps of:

(C) the redirection server program accessing the mailbox associated with the wireless mobile communication device and transmitting the received electronic message to the wireless mobile communication device (pg 31 ¶s 1-3);

AirMobile disclosed the invention substantially as claimed, however Airmobile failed to specifically recite 1) using a software interface associated with the messaging server to *automatically receive a notification signal* when an electronic message is received and stored in the mailbox associated with the wireless mobile communication device and 2) transmit a *copy* of the received electronic message.

With regard to (1), although AirMobile disclosed a server side push technology (pg 31 ¶ 1-3), the Applicant has clearly shown on the record (see *inter alia*, pg 11 Applicant Response dated 2/7/2005) that the AirMobile server must internally poll for the arrival on new message in a user’s mailbox. Nevertheless, the *automatic* notification of a new message, was well known in

the art at the time of the invention, as evidenced by Gadol. In a similar art, Gadol disclosed an e-mail system where the notification of new message is sent automatically (paging - pg 12, 2<sup>nd</sup> ¶) as opposed to polling. Gadol further disclosed that automatic notification (paging) is preferable to polling since you get the notification in real-time (when it happens) (pg 12 2<sup>nd</sup> ¶). Thus, it would have been advantageous to one of ordinary skill in the art at the time of the invention to incorporate the automatic notification of new messages, as disclosed by Gadol, within the AirMobile system, in order to eliminate the delay associated with polling for new messages by sending the notifications in real-time.

Regarding (2), AirMobile discloses forwarding messages received at the messaging server to the wireless device. However, AirMobile does not *explicitly* state that the messages forwarded to the wireless mail system are a *copy*. Nonetheless, most e-mail systems that forward messages actually replicate the messages before forwarding, so that a copy of the message is retained in the initial destination mailbox. Such replication is disclosed by Eggleston. In a similar art, Eggleston teaches a system for forwarding messages from a LAN-based host through a wireless host to a mobile client device, wherein the LAN-based host stores messages, thereby maintaining a replica of the messages, before forwarding them to the client (col. 4, lines 44-51; col. 12, lines 32-39, 59-62, wherein the messages are copied and maintained at a host system, and are also sent to target units). Thus, given the teaching of Eggleston, a person having ordinary skill in the art would have readily recognized the desirability and advantages of replicating the messages at the messaging server taught by AirMobile, to preserve received messages in case the client memory fails or the message is lost in transmission. Therefore, it

would have been obvious to include the mail replication feature taught by Eggleston in the mail forwarding system taught by AirMobile and Gadol.

In considering claim 89, AirMobile further discloses storing a plurality of user profiles for each of the wireless mobile devices for use by the software program, the profiles including a filter list for blocking certain electronic messages from being replicated and transmitted to the wireless mobile device (p. 10, “User Profile Database,” “Filtering”).

In considering claim 90, AirMobile further discloses transmitting a command message from the wireless devices to the server software program, wherein the command message adds an electronic message sender to the filter list so that messages from the sender are blocked from being forwarded to the wireless device (p. 10, ¶ 6; p. 11, ¶ 1; see also, pp. 40-41).

In considering claim 94, AirMobile further discloses a plurality of desktop computer systems in communication with the messaging server (Fig. 1-1, “cc:Mail Client”), and further teaches controlling the operation and configuration of the software program using one of the desktop systems (the “cc:Mail Client” will be able to control the operation of the mail box).

In considering claim 97, AirMobile further discloses transmitting a plurality of triggering commands to the software program, each command being associated with one of the plurality of wireless mobile devices and initiating the software program to continuously push the received electronic messages from the mailbox associated with the wireless mobile device to the wireless

mobile device (p. 32, “Launching Motorola,” wherein the continuous pushing for each mobile device is activated when the cc:Mail Mobile is launched at the device).

In considering claim 100, AirMobile, Gadol, and Eggleston failed to specifically recite that the redirection server program is operating on an Internet server. Nevertheless implementing mail programs on Internet servers was well known in the art at the time of the invention. Further it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the redirection server program on an Internet server since the Internet is a widely used and accessible network.

In considering claim 101, it was well known in the art at the time of the invention to configure server programs via secure web pages. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow mobile communication devices to access and configure the redirection server program via a secure web page interface, so users could remotely configure the server program.

3. Claims 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile (Software for Lotus cc:Mail Wireless, Communication Client Guide, Motorola, 1995) and Gadol et al. (Nomadic Tenets – A User’s Perspective, Sun Microsystems Laboratories, Inc., June 1994, hereinafter “Gadol”) and Eggleston et al. (U.S. Patent No. 5,764,899, hereinafter “Eggleston”) and in further view of Bezaire et al. (U.S. Patent No. 5,758,088, hereinafter “Bezaire”).

4. In considering claim 87, AirMobile disclosed:

(D) packaging the replicated new message into an electronic envelope, the envelope including addressing information associated with the wireless device (p. 31, ¶ 3, “when a message arrives for you in your LAN-based cc:Mail Inbox, Motorola AirMobile software will immediately download the message to your laptop, assuming it passes your download filters,” wherein the electronic envelope, while not explicitly stated, is necessarily created because messages sent specifically to the mobile device *must* use an electronic envelope bearing the address of the mobile device in order to arrive at the device).

(E) Transmitting the electronic messages from the software program to a wireless gateway computer system (“wireless network adapter: Infotac Mobidem”) via a wired connection, the wireless gateway computer system coupling the wired network to the wireless network (Fig. 1.1 – “wireless network adapter” that connects the wired land network to the wireless network; see also Adler (U.S. Patent No. 6,157,630) describing that one type of gateway for connecting different networks is a modem: “gateway between [a] public network server and [a] host server is preferably an internet connection, but can take many forms. The connection may be... an analog modem connection”).

(F) Receiving the electronic envelope at the wireless gateway and using the addressing information contained within the envelope in order to send the new message to the wireless mobile communication device via the wireless network (this will necessarily occur during the process of sending the messages through the wireless gateway to the wireless network); and

(G) Receiving the electronic envelope at the wireless mobile communications device, removing the electronic envelope from the new message, and storing the new message at the

wireless device (p. 39, ¶ 1, wherein removing the envelope and storing the message is necessary to allow a user to view the message received at the AirMobile mobile device).

However, AirMobile does not disclose that (1), the wireless gateway is connected to the messaging server through a TCP/IP wired network. Nonetheless, this features was well known in the wired-to-wireless e-mail messaging art, as evidenced by Bezaire.

Regarding (1), AirMobile discloses using a *modem-type* wireless gateway device connected *directly* to the messaging server to couple the wired network to the wireless network. Note that patent to Adler et al. (U.S. Patent No. 6,157,630) describes that one type of gateway for connecting different networks can be a modem: “gateway between [a] public network server and [a] host server is preferably an internet connection, but can take many forms. The connection may be... an analog modem connection” (col. 2, lines 43-49). Nonetheless, the claimed invention requires using a *TCP/IP-based* wireless gateway device connected *through a TCP/IP wired connection* to the messaging server to couple the wired network to the wireless network.

Although AirMobile does not disclose a TCP/IP connection between the server and the wireless gateway, the use of a TCP/IP wireless gateway interface, as opposed to a modem-type gateway interface, is well known for coupling a wired network to a wireless network in an e-mail system, as evidenced by Bezaire. In a similar art, Bezaire discloses an e-mail system for allowing users send e-mail messages from a wired network to a wireless network through a wireless gateway, wherein the wireless gateway is connected to an e-mail messaging server through a TCP/IP connection (Fig. 1; col. 3, lines 11-25, wherein “TCPIP/SMTP is used as a

network, transport, and messaging application protocols"). Given this knowledge, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using a TCP/IP-based wireless gateway device to connect the wired and wireless networks in the system taught by AirMobile, to avoid the need for each messaging server to use its own wireless modem gateway device, thereby decreasing the costs to the messaging service providers. Therefore, it would have been obvious to replace the modem-type gateway device in the AirMobile system with a TCP/IP-based device, as taught by Bezaire.

In considering claim 88, Eggleston further discloses that messages sent between the wired and wireless systems can be compressed (col. 11, lines 63-67). Given this knowledge, it would have been obvious to a person having ordinary skill in the art to compress the messages in the system taught by AirMobile, Gadol, Bezaire, and Eggleston, prior to transmission to the gateway, and to decompress the messages at the mobile device, as suggested by Eggleston, in order to increase available bandwidth and to provide faster and less expensive communications (see Eggleston, col. 12, lines 7-9).

5. Claim 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, and Eggleston, in view of MobileVision (Mobile Vision User Manual, CE Software, Inc., 1995).

In considering claim 91, AirMobile discloses allowing only certain attachments to be received at the mobile device, according to user selection (p. 10, ¶ 5). However, AirMobile does not explicitly disclose determining whether an attachment is of the type that can be received and displayed at a particular mobile device, and if so, then replicating and transmitting the

attachment from the software program to the wireless mobile device. Nonetheless, this forwarding feature is well known, as evidenced by MobileVision. In a similar art, MobileVision discloses an e-mail system for forwarding messages from a wired server to a wireless computing device, wherein the system determines whether an attachment is of the type that can be received and displayed at a particular mobile device, and if so, then transmits the attachment from the software program to the wireless mobile device (MV, p. 4-32 - "Enclosure" rules). A person having ordinary skill in the art would have readily recognized the desirability and advantages of including such attachment processing steps in the system taught by AirMobile and Eggleston, so that important attachments that could be processed at the mobile device would be sent immediately, while attachments that could not be processed by the device are maintained at the server, thereby preserving network bandwidth. Thus it would have been obvious to include this attachment feature in the system taught by AirMobile, Gadol, and Eggleston.

Furthermore, as discussed with regard to claim 86, the feature of replicating forwarded messages is well known, as taught by Eggleston. Therefore, it would have been obvious to both replicate and forward the attachments in the combined system taught by AirMobile, Gadol, Eggleston, and MobileVision, to preserve received attachments in case the client memory fails or the attachment is lost in transmission.

6. Claims 92-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, in view of Gadol, and Eggleston, and further in view of Ross Jr. (U.S. Patent No. 5,812,671, hereinafter "Ross").

In considering claim 92, the system taught by AirMobile, Gadol, and Eggleston fails to explicitly disclose the use of encryption keys for sending the messages. Nonetheless, storing an encryption key at a server for each of a plurality of destination devices, and using the key to encrypt detected messages before forwarding them to a destination device is well known, as evidenced by Ross (col. 3, lines 8-23). Given the teaching of Ross, a person having ordinary skill in the art would have readily recognized the desirability and advantages of encrypting the messages sent in the system taught by AirMobile, Gadol, and Eggleston, to increase the security of the system. Therefore, it would have been obvious to include the encryption steps disclosed by Ross in the system taught by AirMobile, Gadol, and Eggleston.

In considering claim 93, AirMobile further discloses generating electronic messages at the mobile device, sending them through the gateway to the server, and transmitting the messages from the mailboxes to message recipients, wherein the messages are addressed using the user's e-mail address ("cc:Mail" address, p. 38, "Sending/Transmitting e-mail messages"). Furthermore, as discussed previously, the combined system of AirMobile, Gadol, and Eggleston discloses connecting the messaging server with the wireless gateway via a TCP/IP connection.

However, the combined system taught by AirMobile, Gadol, and Eggleston does not disclose storing the reply messages at the server. Nonetheless, Examiner takes official notice that storing, at an e-mail server, replies and other messages generated at a personal computing device, is well known in the art. E-mail programs such as Microsoft Exchange, Yahoo Mail, and others, include a function for storing sent messages at the e-mail server. Therefore, it would have been obvious to a person having ordinary skill in the art to store the sent messages at the

server in the system taught by AirMobile, Gadol, and Eggleston, in case a user wanted to review the previously sent messages.

In addition, it would have been obvious to a person having ordinary skill in the art to include the reverse encryption steps as the steps taught by Ross, in the system taught by AirMobile, Gadol, and Eggleston, to allow secure message transmission in both directions across the network, thus increasing security of the system.

7. Claims 95, 98, and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile in view of Gadol, and Eggleston, and further in view of Dunker et al. (CE Software Announces MobileVision, CE Software, Inc., 1995, hereinafter “Dunker”).

In considering claim 95, AirMobile fails to explicitly disclose that the desktop system can specifically control whether steps (A) – (C) are enabled. Nonetheless, allowing a desktop computer to control whether wireless message forwarding functions at a server are enabled is well known, as evidenced by Dunker. In a similar art, Dunker discloses a system for integrating a LAN-based mail system with a wireless pager, wherein message filtering and forwarding can be controlled from either the wireless device or desktop computers on the LAN (p. 1, ¶ 5, “MobileVision rules can be modified either at the office or from the road”). Given the teaching of Dunker, a person having ordinary skill in the art would have readily recognized the desirability and advantages of allowing a user at a desktop to control enablement of the forwarding steps, in order to save battery power at the mobile device when a user is present at home or at the office. Therefore, it would have been obvious to allow a user to control the

forwarding steps disclosed by AirMobile, Gadol, and Eggleston, from a desktop, as taught by Dunker.

In considering claim 98, claim 98 presents a similar function as claim 78 (triggering commands for continuous pushing are generated at desktop computer systems coupled to the software program via a LAN). Thus, claim 82 is rejected for the same reasons as claim 78.

In considering claim 99, AirMobile further discloses that the triggering commands are generated at the wireless devices (p. 11, ¶ 1).

8. Claim 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over AirMobile, Gadol, and Eggleston, further in view of either Adler et al. (U.S. Patent No. 6,157,630, hereinafter “Adler”) or alternatively Zerber (U.S. Patent No. 5,951,636).

In considering claim 96, although the combined teaching of AirMobile and Eggleston discloses substantial features of the claimed invention, it fails to disclose the claimed steps of retrieving different replicated portions of the messages at different times according to a user selection. Nonetheless, retrieving a first portion of a message at the destination, transmitting a request from the destination to retrieve a second portion of the message, and then sending that second portion from the messaging server is well known in the art, as evidenced by both Zerber and Adler. In a similar art, Zerber discloses downloading a first portion of a message (“header”) at a client, then transmitting a command to a server to download additional content of the message, and finally transmitting that second portion to the client in response (claim 1, steps (c),

(g), and (h)). Similarly, Adler discloses a system for forwarding messages to a wireless device, wherein the user can select for a first portion of a message to be received first, and can then subsequently request additional portions of the messages to be sent (col. 5, lines 3-9). Thus, given the teaching of either Zerber or Adler, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the message retrieval function taught by Zerber or Adler in the system taught by AirMobile, Gadol, and Eggleston, to minimize transfer time, and to consume minimal resources at the wireless device (see Zerber, col. 2, lines 24-30). Therefore, it would have been obvious to use the message retrieval system taught by either Zerber or Adler in the system taught by AirMobile, Gadol, and Eggleston.

Furthermore, as discussed with regard to claim 86, the feature of replicating forwarded messages is well known, as taught by Eggleston. Therefore, it would have been obvious to both replicate and forward the message portions, as claimed, in the combined system taught by AirMobile, Gadol, Eggleston, and Adler or Zerber, to preserve received message portions in case the client memory fails or the portions are lost in transmission.

***Response to Arguments***

1. In response to Applicant's request for reconsideration filed on 4/25/2005, the following factual arguments are noted:

- a. AirMobile and Eggleston are polling systems and therefore failed to teach detecting new message with an automatic notification signal.
- b. Gadol failed to teach automatic notification signals for new messages in user's mailbox.

- c. Gadol failed to teach a *redirection* mail server.

In considering (a), Examiner agrees with Applicant's argument. Accordingly the references of AirMobile and Eggleston are not used to teach detecting new messages with an automatic notification signal.

In considering (b), Examiner respectfully disagrees with Applicant. Gadol clearly teaches an automatic notification signal (paging, pg 12 section 8), as opposed to a polling system, for new messages received. The rationale and motivation to combine is clearly addressed in the office action above.

In considering (c), Examiner respectfully disagrees with Applicant. The argument whether Gadol disclosed a redirection mail server or not is moot since Gadol is merely used to teach automatic message notification signals.

### *Conclusion*

2. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

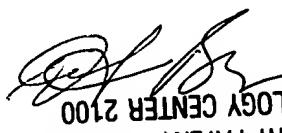
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



  
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